

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOHN ROBERTSON,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 06-0019 ***
)	
CORRECTIONAL MEDICAL SYSTEMS,)	JURY TRIAL DEMANDED
)	
Defendant.)	

**MOTION OF DEFENDANT, CORRECTIONAL MEDICAL SERVICES, INC., FOR AN
EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S ANSWERING BRIEF IN
OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

Defendant, Correctional Medical Services, Inc. ("CMS"), incorrectly named Correctional Medical Systems, through its undersigned counsel, hereby moves this Honorable Court to enter the attached Order, granting it an extension of time until June 1, 2007 in which to file a Reply to plaintiff's Answering Brief in Opposition to Defendant's Motion to Dismiss, and, in support thereof, avers as follows:

1. On July 14, 2006, defendant, CMS, filed a Motion to Dismiss. D.I. 17.
2. On September 8, 2006, plaintiff filed his Answering Brief in Opposition to defendant's Motion to Dismiss D.I. 20. Plaintiff's Answering Brief, however, was not served upon opposing counsel. D.I. 21.
3. On April 18, 2007 a status conference was held before Judge Mary Pat Thyng. D.I. 29. Pursuant to that conference, CMS was to file its Reply Brief on May 11, 2007.
4. Because of the nature of the allegations in plaintiff's Answering Brief in Opposition to CMS' Motion to Dismiss, CMS has requested all of plaintiff's medical records from June 30, 2006 up to the present date. CMS has not yet received those additional medical

records from the Department of Corrections. Therefore, the undersigned defense counsel requires additional time in order to respond.

WHEREFORE, defendant, Correctional Medical Services, Inc., respectfully moves this Honorable Court to enter the attached Order, granting it an extension of time until June 1, 2007 in which to file its Reply to plaintiff's Answering Brief in Opposition to CMS' Motion to Dismiss.

MARSHALL, DENNEHEY, WARNER,
COLEMAN AND GOGGIN

BY: /s/Kevin J. Connors
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Date: May 11, 2007

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